

**UNITED STATES DISTRICT COURT
for the
DISTRICT OF MASSACHUSETTS**

AMERICAN INSTITUTE OF PHYSICS,)
ELSEVIER, INC.,)
WILEY PERIODICALS, INC., and)
WILEY-LISS, INC.,)

Plaintiffs,)

v.)

Civil Action No. 05cv10178 NMG

ASIAN BOOKS PRIVATE LIMITED,)
KIRAN AGARWAL,)
RAGINI AGARWAL,)
GERALDINE BUNKER,)
VANITA BUNKER,)
DIAMOND & GOLD OUTLET, INC.,)
BUNTY GIDWANI,)
RESHMA GIDWANI,)
CHITRA JAGASIA,)
DILIP JAGASIA,)
HARISH JAGASIA,)
KAMAL JAGASIA,)
RAMESH JAGASIA,)
SHEELA JAGASIA, and)
YOGESH JAGASIA,)

Defendants.)

**PLAINTIFFS' MOTION FOR ORDER PRESERVING EVIDENCE AND
PROHIBITING REMOVAL OF ASSETS**

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, Plaintiffs hereby move for an order preventing the destruction of critical evidence, and preventing defendants from transferring property out of the reach of this Court. The form of Order requested by plaintiffs is attached hereto. This Motion is based upon the Affidavits of

Marc Brodsky, Roy Kaufman, Mark Seeley, and William S. Strong, all on file with the Court, and on the Memorandum submitted herewith.

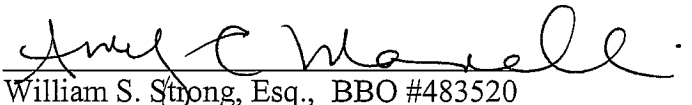
Respectfully submitted,

AMERICAN INSTITUTE OF PHYSICS,
ELSEVIER, INC.,
SAGE PUBLICATIONS, INC.,
WILEY PERIODICALS, INC., and
WILEY-LISS, INC.,

Plaintiffs,

By their attorneys,

Dated: February 1, 2005



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YOGESH JAGASIA,)

Defendants.)

ORDER

Upon good cause shown, it is hereby ordered that defendants and their officers, agents, servants, employees, and attorneys, and all persons in active concert or participation with them who receive actual notice of this Order (the "Affected Parties"), shall:

1. During the pendency of this action, preserve and retain within the United States all documents, in either electronic or paper form, relating in any way to subscriptions addressed to any of the names and addresses listed on Exhibit A hereto, or any other subscriptions to plaintiffs' journals addressed to defendants or to addresses used by defendants. The term "documents" as used herein has the meaning ascribed to it in Local Rule 26.5 of this Court, and includes but is not limited to all orders, order confirmations, invoices, shipping labels, correspondence, and mailbox leasing documents.
2. During the pendency of this action, preserve and retain within the United States all documents, in either electronic or paper form, relating in any way to (i) sales or shipments to third parties of issues of journals published by plaintiffs; (ii) shipments between or among the parties of issues of such journals; and (iii) the revenues received from such sales and shipments and the present location of such revenues. The term "documents" as used herein has the meaning ascribed to it in Local Rule 26.5 of this Court, and includes but is not limited to all orders, order confirmations, shipping labels, bills of lading, receipts, books of account, ledgers, bank statements, and correspondence.
3. Not sell (except to customers in the ordinary course of business) or otherwise transfer any of the assets of the businesses owned by them within the United States, including but not limited to: Asian Books Private Limited, Diamond & Gold Outlet, Inc., In Style International, Inc., Italian

Jewelers of Key West, Inc., Jaysons Enterprises Miami, Inc., Oxop.com, Inc., Rahddim, Inc., Regent Opticals, Inc., Closeout Eyewear, Inc., Jaycee Sales Corporation, Export & Imports, Jaysons Sai Sales Corporation, Discount Gold Center, Jagasia Enterprises, Inc., Avi Impex Books & Journals, Inc., Gidwani Enterprises, Island Fashions, and Raj Kamal Imports, Inc.; other than for full consideration negotiated at arm's length to be deposited into an account within the United States governed by Paragraph 4 below; or in any other manner remove from the United States the assets of said companies now located within the United States.

4. Not in any manner remove from the United States any checking, savings, money market, or other bank account, or any brokerage account, wherever held in the names of or for the benefit of any defendant, located anywhere in the United States, or the cash, bonds, and other securities and property held therein, provided that nothing herein shall prevent the sale of securities for cash so long as the proceeds thereof remain in such account. However, defendants are expressly permitted to draw down any account to pay

- (i) non-party, non-U.S. vendors of goods and services to any of the business entities identified above, in response to bona fide invoices, copies of which shall be preserved for inspection by plaintiffs' attorneys;
 - (ii) salaries of non-U.S. employees of any of the business entities identified above, in amounts per week or per month not greater

than paid to such employees within the last six months prior to the filing of this action, provided that copies of pay stubs and payroll records shall be preserved for inspection by plaintiffs' attorneys; and

(iii) taxes, bona fide estimated taxes, and other similar obligations owed to foreign governments, provided that documentation thereof is preserved for inspection by plaintiffs' attorneys.

5. Not sell or otherwise transfer, alienate, mortgage or otherwise encumber any real property owned by any defendant within the United States, other than for payment that is (i) at fair market value and (ii) to be delivered into an account within the United States governed by Paragraph 4 above, including but not limited to the properties located at:

415 Greene St., Key West, FL 33040,
1901 S. Roosevelt Blvd., Key West, FL 33040,
3700 Pearlman Terrace, Key West FL 33040,
3701 Pearlman Terrace, Key West, FL 33040,
117 Fitzpatrick St., Key West, FL 33040,
909 17th Terrace, Key West, FL 33040,
1012 18th Terrace, Key West, FL 33040,
1003 18th St., Key West, FL 33040,
2200 NW 102nd Ave, Miami, FL 33172,
9501 SW 147th Street, Miami, FL 33176,
7111 Greenyard Drive, Houston, TX 77086, and
Lots 19, 26-30, 44, 46, and 47, Oak Haven Farms, Houston, TX..

6. Not sell or otherwise transfer any shares of stock or other interests owned by them in any of the businesses identified in Paragraph 3 above, other than for payment that is (i) at fair market value and (ii) to be delivered into an account within the United States governed by Paragraph 4 above.

Date

Nathaniel M. Gorton,
United States District Judge

Exhibit A

Names:

Agent 94913	Romi Pat
Avi Michael	Rose
Bunty Gidwani	Rose Lamps
Chid Jack	Sam Jones
Dilip Jagasia	Sandy James
Harry Jagasia	Sharon Jackson
J Vanita	Sharon Jay
Jay Kene	Shawn Jay
Ken Jaycea	Shawn Reily
Ken Jat C/o Vicky Frandon	Sheron Jackson
Ken Jay	Sheron Sood
Kene Jay	Sonu Jackson
Kenny Jay	Tom Martin
Kenny Jaya	Vanita Bunker
Kiran Agarwal	VICTOR BENAİM-PINTO
Mona Navi	VICTOR JAISON
Monar Nari	Victor Mani
Geri Bunker	VINNE GARGE
Pallavi Sood	Y G Agasi
Patsy Parker	
Ragini Agarwal	
Rags Wal	
Reshma Gidwani	
Romi Jay	
Romi Jayj	
Romi Jays	
Romi Jsisim	

Addresses:

POB 831327
Miami, FL 33283-0000

No 153
2470 S Dairy Ashford Street,
Houston TX 77077

Apt 346 PMB
14629 SW 104th St
Miami, FL 33186

PMB 346
14629 SW 104 St
Miami, FL 33186

1003 18th St
Key West, FL 33040-0000

ACTION CT UNIT 1
ASHFORD MIDDLESEX
TW15 1XS

PO Box 5940
Miami, FL 33283-0000

PNB 155
3324 W University Ave,
Gainesville, FL 32607

135 E MAIN, Apt T4
WESTBOROUGH MA
01581-2736

300 Brookline Ave, BOX 207
BOSTON MA 02115

3701 PEARLMAN TERRACE
KEYWEST FL 33040

7111 GREENYARD DR
HOUSTON TX 77086

PO BOX 40
HOUNSLOU MIDDX UK
TW5 9GF

PO BOX 117
ASHFORD MIDDLESEX
TW15 1FQ

ASHFORD RD UNIT 1
ACTIOUN
ASHFORD UK
TW15 1XS

PO BOX 2430
KEYWEST FL 33045

PO BOX 572098
HOUSTON TX 77257

411 Greene Street
Keywest, FL 33040

PO Box 830490
Miami, FL 33283

Quayside Industrial Estate
Maldon CM9 5WB